

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:06-CV-070**

<b>PAULA TOWNSEND,</b>	)	
	)	
<b>Plaintiffs</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>MARK WILLIAM SHOOK, individually and in his official capacity as Sheriff of Watauga County;</b>	)	
<b>WATAUGA COUNTY; and</b>	)	
<b>JOHN DOE SURETY,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court, pursuant to an Order (#34) issued by the undersigned on May 15, 2007 directing Mr. Fowler Cooper to appear before the court on Monday, May 21, 2007 to show cause why he should not be held in contempt. On May 18, 2007 the undersigned was contacted by counsel for the plaintiff and the defendants and counsel who had been retained by Mr. Cooper. A conference call, at that time, took place. Mr. Cooper's attorney advised the court that Mr. Cooper was taking the position that he had good cause as to why Mr. Cooper should not be held in contempt and desired to present such documentation of such. As a result of receiving this information and further after consulting with counsel for the plaintiff and counsel for the defendants, the undersigned enters the following order:

**ORDER**

1. That the hearing of the Order (#34) to show cause directing Mr. Cooper to show cause why he should not be held in contempt is hereby continued until Wednesday, May 30, 2007 at 9:30 a.m.

2. That Mr. Cooper's attorney shall be allowed until Wednesday, May 23, 2007 to file such pleadings or responses that would show a justification for Mr. Cooper's failure to attend for the taking of his deposition and to produce the records that he had been subpoenaed to produce.

3. That counsel for the plaintiff and the defendants shall be allowed up to and including May 25, 2007 to respond to the submissions submitted by counsel for Mr. Cooper.

4. That Mr. Cooper is ordered to appear personally on May 30, 2007 at 9:30 a.m. and to bring with him to the hearing in this matter the documents which have been subpoenaed, as well as his checkbook.

5. That counsel for the parties and the plaintiff shall appear at such hearing and produce such bills of cost and fees in this matter supported by an affidavit of another unaffiliated attorney as to reasonableness and as has been directed in the order filed in this matter on May 15, 2007.

6. That all other terms and conditions of the Order (#34) filed on May 15, 2007 are hereby ordered to be continued in force and affect, other than the scheduling of the hearing in this matter which is set for 9:30 a.m. on Wednesday, May 30, 2007.

Signed: May 21, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

